



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,509	03/05/2002	Franz Rottner	5000.1002	7138
23280	7590	11/06/2003	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			SAINT SURIN, JACQUES M	
			ART UNIT	PAPER NUMBER
			2856	

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

RR

Office Action Summary	Application No. 10/070,509	Applicant(s) ROTTNER ET AL.	
	Examiner Jacques M Saint-Surin	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17-38.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment of 08/13/03.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 17-18, 20-24 and 26-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Kojima et al. (US Patent 4,253,723).

Regarding claim 17, Kojima et al. ('723) discloses

a receiver (photodetector 14, disposed on the component (holder 12, see: Fig. 2A) and having a light-sensitive surface (photosensitive plate 17), see: Fig. 2A);

a transmitter (hologram 13 is adapted to receive a coherent beam of light, such as a laser beam emitted from a laser device (not shown) and functions to focus this received beam to a spot on the surface of the record carrier, see: col. 5, lines 62-66, see: Fig. 2A), disposed on the component (12) at a distance from the receiver (14) and configured to emit a beam outside of the component (12) to the receiver (14); and an evaluation unit (comparator 27, see: Fig. 8).

Regarding claim 18, Kojima et al. discloses this beam displacement is relative to a scanned track and, generally is caused by the actual movement of disc 3' with respect to the beam incident thereon, see: col. 8, line 68 and col. 9, lines 1-3.

Regarding claim 20, Kojima et al. discloses the beam focused on the surface 3a' of disc 3' by hologram 13 is reflected from the disc to impinge upon photodetector 14,

see: col. 6, lines 3-5. Kojima further discloses when hologram 13 is used in the embodiment shown in Fig. 2A, the coherent light beam transmitted thereto may be a plane wave, the hologram 13 converts this plane wave to a spherical wave beam which is focused to a spot on pits P1 which are recorded on the surface of 3a' of disc 3', see: col. 6, lines 36-41).

Regarding claim 21, Kojima et al. shows Fig. 6b that includes holder 21, hologram 22 and photodetectors 23 and 24.

Regarding claims 22-24, Kojima et al. ('723) discloses in Fig. 5A, the reflected beam may pass through the opening 15a of a light shield 15b to be focused by a lens 16 on the photo-detector, see: col. 8, lines 61-63.

a portion of the laser beam emitted by laser device 15 is reflected by half-mirror 16 and further reflected by a mirror 18 to a lens 19, see: col. 6, lines 52-54.

Regarding claim 26 and 29, Kojima et al. discloses a laser device 15 emits a beam of coherent light which passes through half-mirror 16 to impinge upon a photo-sensitive palte 17, see: col. 6, lines 46-48. Furthermore, the limitations of claim 29 are met in the half-mirror 16.

Regarding claims 27-28, Kojima et al. discloses although refereed as a plate, the photo-sensitive medium may be a film, thermoplastic layer or the like to meet the limitations of flexible housing.

Regarding claims 30-33, Kojima shows in Fig. 6b photodetectors 23 and 24 having a round shape. Regarding claim 31, Kojima shows in Fig. 6A photodetectors 23

and 24 having rectangular shape. Regarding claim 32, the housing 21 of Fig. 6a has one of a round shape and the housing of Fig. 6a has one of a rectangular shape.

Regarding claim 34, Kojima shows in Fig. 8 a comparator 27 that meets the limitations of an evaluation logic.

Regarding claim 35, Kojima discloses a transmitter (hologram 13), a reflector (lens 19), a first holder (21) disposed at a distance from the transmitter in a second holder, the transmitter, the receiver and reflector are disposed on the component in a shared housing (21).

Claim Rejections - 35 USC § 103

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. ('723) in view of Ogawa (US Patent 6,609,425).

Regarding claim 19, Kojima et al. discloses in Fig. 5b, a reflecting prism 17a reflects the returning, modulated beam to a lens 18a which focuses the modulated beam upon photodetector 14. thus, the photodetector meets the limitations of PSd transducer. However, Kojima et al. does not specifically disclose an image processing element. Ogawa discloses an image processing unit 90, see: col. 3, lines 39-40. It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Kojima the image processing of Ogawa as taught above because it reconstructs two-dimensional data or three dimensional data wherein the reconstructed data is subjected to processes such as interpolation, response modulation, and gradation thereby, making the above combination more effective and efficient.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over in view of Kojima et al. (US Patent 4,253,723) in view of Wulf (US Patent 5,495,331).

Claims 25 differ from Kojima by reciting the receiver includes a transducer and wherein the light-sensitive surface of the receiver has a resolution of 1000d. Wulf discloses a suitable detector device would be a linear diode array, which responds to light in a wavelength region of approx. 200 nm to 1,000 nm (see: col. 5, lines 20-22). It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Kojima the techniques of Wulf because the diode array comprises, by way of example, a line of equidistant light-sensitive individual detectors producing an electrical read-out signal which is proportional to the incident light intensity at the respective position of the individual detector thereby , making the above combination suitable for achieving a high resolution.

6. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. ('723) in view of Nygren, Jr. et al. (US Patent 5,746,561).

Claim 36 differs from Kojima et al. by reciting a clamping element having at least two contact parts and defining a first bore and a plate clamped to the component using the clamping element, the plate defining a second bore aligned with the first bore. Nygren, Jr. discloses the apparatus is directed to a fastening system for interconnecting first and second members having first and second bores therethrough, respectively. The fastening system may include a fastening member (e.g., bolt) having a shank portion receivable within the first and second bores of the first and second members, respectively, and a nut member engagable with a distal portion of the

Art Unit: 2856

fastener shank portion about the second member, see: col. 2, lines 3-11. It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Kojima the techniques of Nygren, Jr. because it would provide fasteners and nuts for securing or interconnecting one member to another member thereby realizing a fastening system which increases efficiency and capable of being used in connection with fastening replacement panels to a structure in a reliable manner.

7. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. ('723) in view of Nygren, Jr. et al. (US Patent 5,746,561) and further in view of Dang (US Patent 6,529,329).

Claim 38 differ from Kojima by reciting the focused beam is a punctiform beam. Dang discloses the primary laser beam 4 is emitted by a punctiform radiation source 5 which is formed as a semiconductor diode laser. It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Kojima the primary laser beam of Dang because it would provide a focused beam that is a punctiform beam in a well known manner.

8. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima et al. ('723) in view of Dang (US Patent 6,529,329).

Claim 37 differs from Kojima by reciting the focused beam is a punctiform beam. Dang discloses the primary laser beam 4 is emitted by a punctiform radiation source 5 which is formed as a semiconductor diode laser. It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize in Kojima the primary

laser beam of Dang because it would provide a focused beam that is a punctiform beam in a well known manner.

Response to Arguments

9. Applicant's arguments with respect to claims 17-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques M Saint-Surin whose telephone number is (703) 308-3698. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (703) 305-4705. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.


Jacques M. Saint-Surin

November 2, 2003

HELEN KWOK
PRIMARY EXAMINER

